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The Senate and the House—A Comparison.

THE SUN recently made the statement that the present House is more controlled by considerations of economy than is the present Senate. Some figures are available for comparison. Thus far both houses of Congress have passed and the President has signed four appropriation bills, three urgent deficiency bills and one deficiency bill for the military establishment. Two bills have passed both houses but are still in conference, and two more, the Post Office and River and Harbor bills, have not yet been acted upon by the Senate.

In all of the six bills upon which both houses have acted the Senate has increased the totals of the House, with the exception of the deficiency bill for military establishment, which was hurriedly passed almost without discussion, for reasons that are generally known. In the shape in which it was reported. Whenever the Senate has had opportunity to increase appropriations it has done so.

To the House total of the Indian appropriation bill the Senate added \$3,005,358.72; to the legislative, executive and judicial bill it added \$568,953; and to three urgent deficiency bills \$1,308,656.81.

That is, with the business of appropriation hardly begun, the Senate has added to House totals \$4,877,968.50; a small sum as comparisons are made in Washington, yet large enough to be symptomatic. If the Senate increases House totals in the many great supply bills yet to be passed it will add to the expense of national government for the year ending June 30, 1917, something like \$70,000,000; not a small sum by any allowable comparison.

Is Colonel House Disengaged?

Chairman McCombs of the Democratic National Committee has given notice that he will not continue in a hard job. His labors have been arduous and the rewards thereof have been rich—for others. The consciousness of tolling duty diligently done has contented him since the romantic adventure of guiding a Presidential ambition was undertaken; but the substantial have gone elsewhere. Another campaign followed by four years of obligation very frankly acknowledged does not attract.

Mr. Wilson will nominate Mr. McCombs's successor. He should be a man of resource, of experience, of ripe knowledge. He should deserve and enjoy the confidence of the President. His capacity should be a matter of nationwide knowledge. His political sagacity should be beyond question. He should be, indeed, a President maker. How fortunate is Mr. Wilson that he does not have far to go to put his hand on the man! Is not Colonel House now in this country, and hence immediately available for the task that Mr. McCombs has decided to quit?

Is Colonel Roosevelt Wanted to Go to the Front?

Colonel Roosevelt says that in the event of a war with Germany (or with Mexico, he might have added) his four sons and perhaps both his sons-in-law would go to the front. Having pledged these young men Mr. Roosevelt added that he would go himself. The young men would have no difficulty in joining a regiment of volunteers, as they could at least enlist. But has Mr. Roosevelt given any thought to the capacity in which he would serve and the obtaining of a commission?

Whether Mr. Roosevelt wanted to command a regiment or a brigade or a division, his appointment would have to be made by President Wilson with the advice and consent of the Senate. Mr. Roosevelt is nearly 58, and apparently he could not qualify for a colonelcy, because the law of April 25, 1914, from which the President derives his authority to appoint civilians, refers him back to Section 23 of the Dick law of 1903, and there we find that no Colonel's commission is to issue to a man over fifty-five. If Mr. Roosevelt decided that his services in Cuba entitled him to the rank of Brigadier-General or Major-General as an experienced officer, the President, if he agreed with Mr. Roosevelt, would have to find in some other law than that of April 25, 1914, which provides that "no officer above the grade of Colonel shall be appointed under the provisions of this act."

The President could perhaps find

his authority in the law of March 2, 1890, "An act for increasing the efficiency of the army of the United States," which authorized the appointment of one Major-General for every 12,000 enlisted men and a Brigadier-General for every 4,000 enlisted men. That was the period of the Philippine war and a large force of volunteers was with the colors.

As the highly praised volunteer army law of 1914, on which Section 56 of the Chamberlain bill is based, says nothing about the appointment of general officers for the volunteer forces, the law of 1890 would seem to govern in Mr. Roosevelt's case. President Wilson could, in the event of war, send his name to the Senate, after consulting the General Staff, for appointment to the command of a brigade or a division, or Mr. Wilson might prefer regular army officers for the high volunteer commands.

The point is that Mr. Roosevelt would have to look to the President to get a start in any war as the leader of a large body of trained soldiers.

The Narrative of Captain Groom.

Almost three centuries and a half after Cervantes fell into the hands of Algerian pirates, and as a captive of HASSAN PASHA, saw his companions tortured by the Arabs, a part of the crew of the British steamship Coquet, which was sunk by an Austrian submarine in the Mediterranean, reached the African coast in one of the ship's boats, only to be attacked by treacherous Bedouins. Those sailors not killed or left for dead were carried into captivity.

The story is told by Captain Arnold C. B. Groom in a signed statement, every word of which was written by himself. In reading this narrative of hardship and perilous adventure and tragedy one is reminded of Dyer's "Captain Singleton," but there is not a page of that fanciful tale better worth reading than the British seaman's chronicle of what befell the Coquet and her crew.

On the morning of January 4, 1916, Captain Groom was writing in his cabin when he heard the boom of a gun. He ran up to the bridge to take command. On the port quarter was a submarine, an Austrian. It fired three shots in all, one across the bow, one over the bridge and one under the stern. The engines of the Coquet were at once stopped, and as she lost headway the Austrian signaled "Abandon ship immediately." All hands got into two small boats, Captain Groom taking with him chronometers, sextants and charts. The Austrians sent time fuse bombs under 1 and 2 holds. The Coquet must have seemed like a human thing to her master, for he says:

"Shortly afterward there were two explosions, and the ship settled down by the head. Four or five minutes after the explosions the Coquet lifted her stern high in the air, something hit the whistle lanyard, and with a pitiful scream the Coquet disappeared."

The boats had hardly got clear of the ship when they were found to be leaking, "and bailing was in full progress in each boat with two or three buckets." According to Groom, "the bilge planks had most likely been sprung" alongside the awash deck of the submarine, the Austrian commander holding the boats there to ask the captain "many questions as regards my ideas about the progress, ultimate result, termination, etc., of the war." The British skipper told the Austrian that it "was nothing short of murder to send thirty-one men away like that, in the middle of winter too, so far from land." The Austrian laughed at him, said "he would save the next ship and send her to look for us," and finished by taking away chronometers, sextants and charts, a set from each boat.

Six days the captain's boat tossed upon a rough sea, the men bailing by turns to keep her afloat; and two and a half biscuits and two gills of water per man per day; and all hands wet to the skin from rain and spray (never a dry rag on them) and crippled with the cold in ankles, knees and wrists. A shift was once made to calk the bottom with "bits of shirt," but buckets were always going. In the heaviest weather a sea anchor was hoisted, but generally the men labored at the oars as best they could in their weakened state. On the second day the first mate's boat was not to be seen, nor was it seen afterward. Just before midnight on the fifth day the low lying African coast appeared to the south. Landing was made the next day in a little cove, the men hardly able to pull an oar through the water, and the boat almost swamping twice.

Some buildings above the surf line proved to be ruins. No sign of life anywhere. Fortunately shellfish could be picked up along shore. An old well yielded stagnant water for drinking. The second day Captain Groom with three men staggered into the interior—they could just put one foot before the other from sheer weakness—to find a human being. They were about to give up when a tall Arab hove in sight. He turned out to be friendly and proposed to a Greek fireman who spoke Arabic that Captain Groom should go with him to the nearest town. By that time the captain was completely done up, and he sent the Greek fireman and another fireman who could speak Italian. That night the fifteen men on the beach slept in a cave, feeding a bit of driftwood fire for warmth. Next morning something happened.

After limpets and ship biscuits everybody went down to the surf to look for the rescue boat. As they stood gaze bullets began to fly among them. Two Arab boys were

sniping from a hill near by. They ran off. A little later fifteen Bedouins appeared with rifles above a trench where the unarmed sailors lay for protection. They began to shoot. One Bedouin took aim at the captain's head. He ducked. The bullet went through his shoulder muscles, and Groom fell back unconscious from the shock into the trench. When he recovered his senses he found the carpenter horribly mutilated but still alive; the steward was floating face downward in the surf, shot or drowned; the little Italian steamboat boy had been done for; not another man of the crew of the Coquet was to be seen.

Soon after that the captain from his hiding place in the trench saw a small steamboat coming round the point. She was sending up a cloud of black smoke, and at her masthead flew the Italian flag. The captain then came out of the trench, and running toward the water's edge he stumbled over a sailor named Loni, who had been "brutally wounded by both bullet and bayonet," but was still alive. Loni managed to say that the other ten men had been carried off by the Bedouins.

The little steamboat had come under forced draught from the fort at Marsa Susa. She took aboard Groom, Loni, the carpenter, who was dying, and the bodies of the steward and the Italian boy. As the carpenter's wounds were being washed he died. At Marsa Susa the Italian commander and his soldiers, Arabs and Italians, gave the dead an impressive military funeral. Groom and Loni were tenderly cared for at the fort hospital. Of the Bedouins' captives nothing has been heard.

Such is the story of the Coquet and her crew set adrift in a heavy sea and in leaking boats, with a deaf ear turned to the captain's protest. She was of 4,306 tons, and bound from Torrevieja to Port Said, a peaceful trader with not even a rifle for defense. Her case can always be cited as proof that sinking a merchantman after forcing her crew into boats to shift for themselves is inhuman as well as a wanton disregard of a time honored principle of international law. And there have been many other cases like that of the Coquet.

Taverner's First Aid for Shirkers.

For five years the officers charged with the management of the Government factories known as arsenals have been endeavoring to get for the nation an adequate return for the money expended by the application of so-called scientific methods, by which the time reasonably necessary for completing a job is ascertained, and the slothful workers distinguished from the industrious. Against this effort to get what the taxpayers pay for from their employees the power of union labor has been directed, and in the army appropriation bill for this year the Dietrich amendment prohibited the expenditure of any money carried by that measure for bonuses, inspection, or the like.

This year it is proposed to extend the prohibition, and the House Committee on Labor is about to report favorably a bill introduced by Representative TAVENNER of Illinois, whose district includes the Rock Island Arsenal, by the terms of which it is made a misdemeanor punishable by fine or imprisonment for "any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government to make or cause to be made with a stop watch or other time measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work." The bill would also prohibit bonuses and cash rewards "except for suggestions resulting in improvement or economy in the operation of any Government plant."

Secretary BAKER of the War Department has protested to the Committee on Labor against this bill, on the ground that "it would be a grave misfortune to the public and to the employees of the Government." This is self-evident. But the War Department is not the only one that would be affected by this legislation. Every department employs men whose working habits could be studied with resultant advantage in the elimination of waste, the correction of bad practices, and the increase of production. A great army of civilian workers, paid by the taxpayers and engaged in their service, could be brought to a higher state of efficiency by the application of methods that do not call for too great expenditure of energy and strength, but assure the proper application of effort.

The Tavenner bill, like the Dietrich amendment, is a measure to protect shirkers and safeguard laziness. It is designed to make something less than mediocrity, instead of diligence and skill, the standard in Government factories, and it would have no chance of an instant's consideration if the political power of organized labor was not behind it.

The Marvellous Sourdwood Stick.

Use of a divining rod for various purposes, locating hidden springs, gold mines, buried treasures, has antique and modern authority. We have never seen absolute proof that a witch hazel fork in the hands of a true believer in its potency will not bend submissively to the lure of gold. Geologists, mineralogists, metallurgists may try a doubting lin in scorn, but even they, as any old gold miner will tell you, can see no further into the ledge than the pick will go.

The use of the rod as a weather forecaster is, however, as new to us as it is interesting. It is important,

too, because upon no less authority than that of the Hon. WILLIAM SCHLEY HOWARD of Georgia it can be substituted for the Weather Bureau at an annual saving to the Government of \$1,700,000.

This pleasing information was conveyed to the House recently by the HOWARD in support of his motion to strike out of the agricultural appropriation bill the paragraph carrying the sum mentioned for the sustenance of the Weather Bureau. He said:

"I have been studying the weather business a long time and have been watching it. We have got a man down in Georgia by the name of SUTHER who lives in the district of my colleague Mr. WISE. This man has been competing with the Weather Bureau in Atlanta, Ga., on prognostications. All he has got in the world that I know anything about, or anybody else, is that he goes into the woods and gets a sourwood stick that has a fork, and he makes his prognostications with that forked stick. The Weather Bureau is costing \$1,700,000 a year, and SUTHER has given the Weather Bureau in Georgia cards and spades by his prognostications and is away in the lead. In other words, he hits it twice where they miss it three times. [Laughter.] That is about as near as anybody can get to it."

Mr. HOWARD revealed the fact that Georgia develops weather prognosticators with and without the sourwood stick. He testified again:

"Why, I knew an old nigger named Uncle LINDSEY HORTON that my father owned and who lived with us for thirty years after the war, and Uncle LINDSEY could go out and sort of turn his side to the wind and say, 'Hit agwine to be rainin' bet night,' and I would put old Uncle LINDSEY, if he were living, up against Chief MARTIN or anybody else on guessing what the weather is going to be. It was instinct with him, and that is all it is with these fellows, and we are paying \$1,777,000 a year for that."

Mr. HOWARD is not a theorist; he goes into practical details. He gave this concrete plan: Station a Georgian with his sourwood stick in Indianapolis, say, and give him this order:

"When it is freezing in Indianapolis and the wind is blowing from the northwest, notify Cincinnati it is going to be cold. [Applause.] That is all it is necessary to do. Is not that plain enough, and is it not economical? Why do you want to spend \$1,777,000 of the people's money to perpetuate and increase this thing that we all know is clairvoyance?"

Mr. HOWARD offered to bet "40 cents to a burnt ginger cake" that the Weather Bureau was wrong on the very day he spoke. No member accepted the bet, but also no member voted with him to strike out the paragraph.

Has the Wadding Been Watchful?

Senator SMITH of Michigan has put into concrete form the allegation frequently repeated since March 9 that officials of the United States were forewarned of VILLA's contemplated raid on Columbus, N. M., and neglected to take the necessary precautions. It is now inconceivable that this subject should not be thoroughly ventilated.

It must be remembered that the Mexican border is fruitful of rumors and reports, most of them false or so distorted as to be utterly un dependable. This fact may explain why insufficient attention was paid to a warning that, as events proved, was well based. If this is the case the authorities should have no difficulty in making their position clear.

What is of importance is that the history of the incidents that culminated in the attack on Columbus should be laid bare and responsibility for any dereliction that may have occurred established. The public wants to know if the waiting it has witnessed has actually been watchful.

It begins to look as if throughout the country WILLIAM SHAKESPEARE had carried the primaries by a large majority over FRANCIS BACON.

Colonel ROOSEVELT plaintively assures the public that he resisted for a long time the temptation of holding Dr. WILSON to strict accountability. Did he give him a longer shift than he vouchsafed to Judge TART?

For an open mind Greece is paying the cost of an empty treasury.

Readers of *The Key*, "published occasionally for those in the land of cell-doms," under the editorial supervision of CHARLES G. FOSTER, the jailer of Louisville, Ky., learn from the Easter number that:

"Preparedness: You are safer here than in Mexico."

A cheering thought, well calculated to ease the monotony of a restricted life, it indexes the spirit of *The Key* adequately. Mr. FOSTER's notion is not to emphasize in this prison newspaper those things that each of his charges has impressed on him by warden, bolt and bars every minute of the day, but to provide a means of relief from the oppressive thoughts that fill the minds of men shut off from the world. "Better an egg in peace than an ox in war," he tells his subscribers; and better, we may believe, a little fun in dreary existence than a heaping measure of advanced penological reports.

army can't chase a will of the wisp. A late report has the fugitive at Agua Chilli, 100 miles south of Ojinaga, which is on the other side of the boundary line from Presidio, Texas. Agua Chilli is in one of the most desolate and trackless regions of Chihuahua. But VILLA has been reported in a dozen other places, as far south as the State of Durango. No wonder the pursuit is at a standstill.

Colonel THEODORE HARDEN and the Hon. WILLIAM J. LIEBKNECHT are working as hard in Germany as Editor MAXIMILIAN ROOSEVELT and Herr Doktor KARL BRYAN are in the United States to embarrass their Governments.

City men, military experts say, make better soldiers than rustics do because they have more experience in late hours and dancing. Why not make rural free one-stepping obligatory?

A bomb dropped by an Austrian aviator near the person of the Czar of Russia caused him "entirely to lose his self-possession." NICHOLAS is human, and the story is from Berlin. Everybody who just escapes being bombed loses his "self-possession," which is euphemism for being scared "blue." According to rumor, WILLIAM II. has had an experience or two, and knows what it is to have his "self-possession" slip from his moorings.

The pulse of every red blooded man beat faster when he heard that the Licentiate VENUTIANO CARRANZA, bearded and bespectacled as he is, had knocked out General OSMON in a bout of *luchavito*. But, alas, there seems to have been nothing in the story.

To the extent of my power I supported Mr. WILSON either by silence or by open warfare, as long as there was the remotest chance that in standing by him as President I was standing by the honor and interest of the country.—Colonel ROOSEVELT.

It will be a surprise, even to the Colonel, to learn that he ever supported Mr. WILSON, and that he is a President. At what times and on what occasions did Mr. ROOSEVELT become the President's champion?

At length he saw his goal approaching.—From a sketch of the life of Sir COLIN SCOTT-MONCRIEFF in the London Times.

A canny Scot, indeed!

BERIBBON YOUR GLASSES!

Thus Comfort and the Aspect of Wisdom May Be Obtained.

TO THE EDITOR OF THE SUN:—Sir: I can quite appreciate the feeling of heart failure described by your correspondent when I had the same sensation until, a few years ago, I took to wearing a ribbon attached to my glasses. Since then I have never had my nerves, as the glasses have saved my eyes.

Not so many years ago only Irving Berlin—or was it Henry Irving? I think the latter—was supposed to wear glasses with a ribbon, but nowadays the practice is so common that it calls for no comment except east of Madison avenue and west of Broadway and on Montmartre.

It is a curious fact and worthy of note that the manner in which the ribbon is worn makes a vast difference in the appearance of the wearer. Because of this difference the water of the glasses ribbon has a sort of protean equipment. With the ribbon behind his ear, his look is earnest and businesslike; with the ribbon hanging down, he at once takes on an air of leisure and distinction and his look is accentuated. When I am looking at pictures or listening to music I wear the ribbon behind my ear, and when serving on the jury, I always wear my ribbon down.

The wearing of the ribbon hanging down and the ribbon behind the ear, first it tickles you and makes you want to laugh on the right side of your face. Then, too, when the wind is blowing in your face, it has a way of getting in your mouth and interfering with your conversation.

At first when partaking of a highball I had to put the ribbon up behind my ear, and for that reason you may see me of the time, but now I can drink anything, except water and milk, without regard to the ribbon and even without my glasses.

If the ribbon is free to fly about ears must be used when smoking a cigar. I once burned off a ribbon in a second when it caught light on the burning end of a cigar, and I believe the beginner will find that he often will catch the ribbon on the buttons on his right coat sleeve. Then his glasses will be jerked off, and he will have to put on his temper at the same time, to the unholy joy of those who chance to see him.

Notwithstanding all these disadvantages, I have pointed out, believe me, the man who once wears a glasses ribbon will continue to do so, except perhaps he buys a pair of those so-called library glasses, which goes about looking like Horace'sophile.

New York, April 24.

Joseph Ignoramus.

TO THE EDITOR OF THE SUN:—Sir: The same old excuse from Josephus: pleads ignorance, didn't know that Fiske had sent to the editor of the *Sun* that he was carrying the "Allies" advertisement. If he only knew that he knew too little about human nature to pose as the greatest moral philosopher of the century, that a boon it would be to the future of Mr. Wilson, President of the United States, who, like Atlas, is trembling and struggling under the weight of his erstwhile friend from the Carolinas!

How like the Joseph of old is this modern Josephus! What trouble he is under the variegated ailments precipitated by the weight of his erstwhile friend from the Carolinas!

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FEDERAL INCORPORATION.

The Philadelphia Bourse Plan Exhibited and Examined.

TO THE EDITOR OF THE SUN:—Sir: The Philadelphia Bourse was chartered twenty-five years ago. Within the spacious halls of its stately building are gathered the exchanges of the great city. It represents the business intelligence of Philadelphia, and hence inasmuch as a few more commercial organizations throughout the United States ten propositions relative to the railroad problem they are deserving of high consideration, coming as they do from such a disinterested, intelligent and prominent body of men. They are as follows:

1. Federal incorporation. This certainly is desirable.

2. Present State charters to be retained and Federal charters added. This is an astonishing proposition. It would open another Pandora's box. The railroad would be forced to pay to have compound charters. The crying need to-day is for railroads to have less of State charters; not to preserve them. The strongest argument in favor of a Federal charter is to enable the railroads to get away from State regulation and exactions.

3. This would not happen if at the same time they retained their State charters. We would still have conflict of State regulation with national regulation; State commissions with the Interstate Commerce Commission; State persecution with national helplessness. For instance, look at the exactions an Interstate Commerce Commission would make of the States to issue stock or bonds. The New Haven cannot even mortgage its property without the consent of all of the States through which it passes. Massachusetts recently held a Coroner's inquest over the wild and reckless career of the same railroad, illegal under its Massachusetts charter. And now it is proposed that that confusion shall continue. It certainly is a Hydra-headed proposition. If the railroads retain their State charters the States cannot be deprived of their right to regulate the railroads. The demand to-day is that railroads be free from State regulation. If the railroads have Federal charters only this is possible, but if the State charters are also retained it is not possible.

And there is another phase of the matter. Of course all the railroads would like to keep all of their State privileges. But why should they receive the new and not give up the old? For forty years they have begged, bribed and bargained for tax exemptions, special franchises, monopolistic privileges and all sorts of job handed advantages. And now it is proposed that they keep all they have got and get a Federal franchise besides. Not at all. This is too good an opportunity to solve this railroad problem once for all.

Philadelphia is wrong. No man can serve two masters.

3. State regulation to be prohibited as to railroads having Federal charters. This is right, but, as stated above, how is it possible if State charters are retained?

4, 5, 6, 7, 8, 9. Now comes a bewildering multiplicity of proposed commissions, a mixture of business men, railroad men and lawyers; appeals on "questions of principle"; the Interstate Commerce Commission to be a grand court of appeals, sitting twice a year for thirty days; duplication of machinery without end; commission on commission; doubt; doubt; Pelton on Omsa. Already we have forty-six State commissions, one Interstate Commerce Commission, thousands of contests, tens of thousands of lawyers, witnesses, experts and investigators; anarchy broken loose; the law is a shambles; do we want more quick doctors and quick medicines? Sage of Chelsea; ghost of Smeltungus; "glass crackers; fire balls, flaming serpents, sleeping gun powder, burning dust flashing up sky high on a sudden, heels over head in a torrent of foam and confusion.

Floundering stupidity at the top of the world. Unintelligible pipe clays, and dreary continent of sand and cinders.—But enough!

10. Limitations on Interstate Commerce Commission. The more limitations the better. The more will, eliminate the cause of the controversies. The cause of the controversies is the irresponsible railroad directors, which do not represent the stockholders or the bondholders or the public. They represent themselves or are more "quintessential" for Wall Street. If the public through its elected railroad board, controlled the appointment of railroad directors the Interstate Commerce Commission would have little to do. And a Federal charter can bring about that very thing. Federal incorporation is an excellent thing, but with it should come a Federal railroad board; prohibition of State regulation; 3 per cent. on the capital stock to be guaranteed by the Government, with a possible extra 3 per cent. to the stockholders if earned; all over 6 per cent. to be paid to the Government. The railroad stockholders do not elect railroad directors anyway. They merely give their proxies to the insiders. Limitations on the Interstate Commerce Commission would be automatic if the railroad directors were named by a Federal railroad board, because public control would be established.

The proposed act of Congress which you published last week would accomplish all this.

Meantime all credit to Philadelphia. It is organizing a comprehensive discussion, while New York gorges itself with trade, with no thought for the morrow except money.

New York, April 24.

Two False Reports.

TO THE EDITOR OF THE SUN:—Sir: I have heard from a reporter through an acquaintance that the *Sun* had agreed to publish the "War Against War" exhibit in Brooklyn by name.

I have heard elsewhere that most of the New York papers declined to publish the peace advertisement of Henry Ford, which appeared in one paper as a full page appeal on about April 12.

Such rumors always disturb me, because I think they tend to drive thinking people to support the socialist propaganda, and I no more approve of socialism than you do.

Would you therefore be good enough to write me your categorical denial of both these points, so I can assure my friends that the rumors are false.

EDWARD THOMAS.

New York, April 24.

So far as THE SUN is concerned both assertions are unfounded in fact.

Representative Mann's Responsibility for the "White Slave" Act.

TO THE EDITOR OF THE SUN:—Sir: You should know that the Mann "white slave act" was not introduced by him. It was introduced by him "by request."

JOHN L. MOSEMAN.

Baltimore, Md., April 24.

SHAKESPEARE IN COURT.

If Bacon Could Take the Stand His Testimony Would Be Rejected.

TO THE EDITOR OF THE SUN:—Sir: Judge Tuthill has decided the "Bacon-Shakespeare" controversy in favor of Bacon after protracted formal argument. All the evidence, however, points to Shakespeare as the author of the plays. (R. Co. 95 Fed. Rep. 406, 414, 37 C. A. 137.) Judge Caldwell, who had served nearly thirty-five years on the bench of the United States District and Circuit Courts for the Eighth Circuit, said (the italics are mine):

The constitutional mode of ascertaining the sense of reasonable men on disputed questions of fact is by the verdict of twelve jurymen, and not by the opinions of the Judges. It was because the people knew the Judges were poor judges of the facts that they committed their decisions to jury, and every day's experience confirms the wisdom of their action.

Speaking for the United States Circuit Court of Appeals Judge Shelby said:

The bench once accounted for familiar physical and mental conditions by witchcraft, and that, too, at the expense of the lives of innocent men and women. In that day it was said from the bench that the day the existence of witchcraft was to deny the Christian religion. Juries would have done better.

By the way, in the Massachusetts writcase episode the Juries recovered from their delusion quicker than the Judges; see 2 Elliott, the New England History, chapter 3.

In *Piron v. Corrigan* (47 N. J. Eq. 135, 20 Atl. Rep. 23), a case in equity tried by New Jersey Vice-Chancellor, the defendant, a Roman Catholic priest, testified that he had paid the complainant, an old woman parishioner, \$1,000 to keep her quiet, and that she had been absolutely denied the payment. There was some other evidence bearing upon that issue of fact. The complainant testified that she had been paid at great length and declared the priest a liar. On the same testimony the case was taken to the Court of Errors and Appeals, who decided that the priest had not committed perjury, that his story bore all the marks of truth, and that the testimony of the complainant was glaringly false.

In a divorce case the same Vice-Chancellor wrote an opinion which convinced the Court of Errors and Appeals, and upon an exhaustive review of the testimony adjudged the wife guilty of adultery and granted her husband a divorce.

And there is another phase of the matter. Of course all the railroads would like to keep all of their State privileges. But why should they receive the new and not give up the old? For forty years they have begged, bribed and bargained for tax exemptions, special franchises, monopolistic privileges and all sorts of job handed advantages. And now it is proposed that they keep all they have got and get a Federal franchise besides. Not at all. This is too good an opportunity to solve this railroad problem once